



UNITED STATES PATENT AND TRADEMARK OFFICE

H.A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/766,330

01/29/2004

Atsushi Fujimaki

Q79647

1255

23373

7590

10/30/2006

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

CHAU, MINH H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/766,330

Applicant(s)

FUJIMAKI ET AL.

Examiner

Minh H. Chau

Art Unit

2854

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the ~~proposed amendment(s)~~ **REQUEST FOR CONSIDERATION** (s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 2 and 3.
Claim(s) rejected: 1, 4, 5, 13, 14 and 16-18.
Claim(s) withdrawn from consideration: 7-12 and 15.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


**MINH CHAU
PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's argument center around that the applied prior to Kohno (US Pat. No. 6,473,191) fails to disclose or suggest the claimed apparatus information storing unit, the Applicant further pointed out that "Nowhere in Kohno is there any mention of the ROM 106 storing the model type for both a monochrome printer and a color printer, whereas claim 1 recited an apparatus name information storing unit which stores a plurality of apparatus name information". The examiner respectfully disagrees with the Applicant's argument, because Kohno teaches a printing apparatus (101) adapted to receive a monochrome ink-jet cartridge or a color ink-jet cartridge and the printing process of the printing apparatus is change or differs depending upon the type of the ink cartridge mounted on the printing apparatus (col. 4, lines 13+). Kohno also teaches a ROM 106 storing the model type or apparatus name of the printing apparatus, and in responds to an inquiry allowing the CPU 105 to extract the model type or apparatus name of the printing apparatus (monochrome printer or color printer) stored in the ROM 106 based on the type of the ink cartridge (monochrome ink-cartridge or color ink-cartridge) mounted on the printing apparatus (col. 4, lines 43+). It is clear to one of skill in the art that the ROM 106 as taught by Kohno meet the limitation of "an apparatus name information storing unit which stores a plurality of apparatus name" as recited in claim 1.

With respect to claims 4, 5, 13, 14 and 16-18, the Applicant argued that "for reasons similar to those submitted for claim 1 and for the reason submitted in the Amendment of April 11, 2006, claims 4, 5, 16, 17 and 18 are patentable". As explained in the response to the Applicant's argument to claim 1 above that the applied prior art to Kohno meet all the limitations as recited in claim 1, therefore the Kohno prior art meet all the limitations as recited in claims 4, 5, 13, 14, 16, 17 and 18.